

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SCOTT HILL,

Plaintiff,

v.

Civil Action No. 16-10978-IT

**COMMONWEALTH OF
MASSACHUSETTS REGISTRAR OF
BIRTH RECORDS,**

Defendant.

ORDER

August 16, 2016

TALWANI, D.J.

On May 20, 2016, plaintiff Scott Hill (a/k/a Samantha Hill), then a prisoner at FMC Lexington, filed a Motion for Change of Name and Gender Classification [#1]. On June 23, 2016, this court issued a Memorandum and Order [#6] denying the motion and dismissing this action without prejudice as the court lacks jurisdiction to compel officials of the Commonwealth of Massachusetts to change or issue a new birth certificate.

Copies of the court's orders dismissing this action were mailed to plaintiff at FMC Lexington on June 23, 2016 and again on July 7, 2016 but were returned as undeliverable. Thereafter, on August 15, 2016, plaintiff re-filed the Motion for Name and Gender Classification [#12], and submitted an Affidavit in support [#13]. The refiled motion is virtually identical to the original, except that it indicates in handwritten notations that plaintiff now is incarcerated at FCI Butner in Butner, North Carolina. It thus appears that plaintiff filed the motion and affidavit because he did not receive the court's prior Orders denying his original motion and dismissing this action.

In light of this, plaintiff's renewed Motion for Change of Name and Gender Classification [#12] is DENIED for the same reasons set forth in the prior Memorandum and Order [#6]. This action remains closed on the court's dockets.

The clerk is directed to send a copy of this Order, the prior Memorandum and Order [#6], the Order for Dismissal [# 7] and the docket sheet to the plaintiff at FCI BUTNER.

SO ORDERED.

/s/ Indira Talwani
Indira Talwani
United States District Judge